

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Marc F. Charette et al..

U.S. SERIAL

NUMBER: 09/508,254

INTERNATIONAL

FILING DATE: 09 September 1998 (09.09.98)

FOR: SYNERGISTIC EFFECTS OF OP/BMP MORPHOGENS AND  
GDNF/NGF NEUROTROPHIC FACTORS

October 2, 2000  
Boston, Massachusetts

**Box PCT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. §371**

In response to the Notification of Missing Requirements Under 35 U.S.C. §371, mailed 01 May 2000 (01.05.00), for filing in the above-referenced patent application are the following documents:

- an executed Combined Declaration and Power of Attorney form [9 pp.];
- an Assignment [10 pp.];
- a Small Entity Statement [2 pp.];
- a Petition for a four (4) month extension of time under 37 C.F.R. §1.136(a) [1 pg.];
- a check in the amount of \$735.00 (check # 6848) for a four (4) month extension of time as set forth in 37 C.F.R. §1.17(a)(2); and
- a Return Postcard.

Although Applicants believe that no additional fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 00960-558. A duplicate of this Response is enclosed herewith.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,



---

Michel Morency, Ltd. Recognition  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

Dated: October 2, 2000

**X10/1/00**

TRADOC:1381143.1(TLP301!.DOC)

FORM PTO-1390 (Modified) (REV 11-98)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER <b>00960-558</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR <b>09/508,254</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US98/18772</b>	INTERNATIONAL FILING DATE <b>09 September 1998 (09.09.98)</b>	

TITLE OF INVENTION <b>SYNERGISTIC EFFECTS OF OP/BMP MORPHOGENS AND GDNF/NGF NEUROTROPHIC FACTORS</b>	
APPLICANT(S) FOR DO/EO/US <b>CHARETTE, Marc F., EBENDAL, Ted, RUEGER, David C.</b>	

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  A copy of the International Search Report (PCT/ISA/210).
8.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
9.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 13 to 20 below concern document(s) or information included:**

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A **FIRST** preliminary amendment.
16.  A **SECOND** or **SUBSEQUENT** preliminary amendment.
17.  A substitute specification.
18.  A change of power of attorney and/or address letter.
19.  Certificate of Mailing by Express Mail
20.  Other items or information:

**Statement Claiming Small Entity Status**  
**Request for Four-Month Extension of Time with fee**  
 Postcard  
 Check

**Express Mail Label No. EL390879889US**  
**Date of Delivery: October 2, 2000**

10/05/2000 LLANDGRA 00000016 09508254

01 00:117

695.00 OP

U.S. APPLICATION NO. (IF KNOWN, SEE 37  
09/508,254

INTERNATIONAL APPLICATION NO.  
PCT/US98/18772

ATTORNEY'S DOCKET NUMBER  
00960-558

21. The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :**

<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	\$970.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	\$840.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$690.00
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	\$670.00
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) .....	\$96.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

**\$0.00**

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).

20  30

**\$0.00**

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =	0	x \$18.00	<b>\$0.00</b>
Independent claims	- 3 =	0	x \$78.00	<b>\$0.00</b>
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	<b>\$0.00</b>
			<b>TOTAL OF ABOVE CALCULATIONS =</b>	<b>\$0.00</b>
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).			<input checked="" type="checkbox"/>	<b>\$0.00</b>
			<b>SUBTOTAL =</b>	<b>\$0.00</b>
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).			<input type="checkbox"/> 20 <input type="checkbox"/> 30 +	<b>\$0.00</b>
			<b>TOTAL NATIONAL FEE =</b>	<b>\$0.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).			<input checked="" type="checkbox"/>	<b>\$40.00</b>
			<b>TOTAL FEES ENCLOSED =</b>	<b>\$40.00</b>
			<b>Amount to be: refunded</b>	\$
			<b>charged</b>	\$

A check in the amount of **\$40.00** to cover the above fees is enclosed.

Please charge my Deposit Account No. in the amount of to cover the above fees.  
A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-0311** A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

ELRIFI, Ivor R.  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
United States of America



SIGNATURE

Michel Morency

NAME

Ltd. Recognition

REGISTRATION NUMBER

02 October 2000

DATE

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE

**LIMITED RECOGNITION UNDER 37 CFR §10.9(b)**

Michel Morency is hereby given limited recognition under 37 CFR §10.9(b), as an employee of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., to prepare and prosecute patent applications and to represent patent applicants wherein the patent applicants are clients of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., and wherein a registered practitioner who is a member of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C. is the attorney or agent of record. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Michel Morency ceases to lawfully reside in the United States; (ii) Michel Morency's employment with the Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., law firm ceases or is terminated; or (iii) Michel Morency ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: January 4, 2001**



Harry I. Moatz, Acting Director  
Office of Enrollment and Discipline

Express Mail Label No.: EL35087988945  
Date of Delivery: 02 Oct 2000

MINTZ LEVIN, BOSTON  
BOSTON DOCKET DEPT.



Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/508254		CHARETTE	M 00960-558-PRO-NATH
IVOR R ELRIFI MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO ONE FINANCIAL CENTER BOSTON, MA 02111		INTERNATIONAL APPLICATION NO. PCT/US98/18772	
		I.A. FILING DATE 09 SEP 98	PRIORITY DATE 09 SEP 97
		DATE MAILED: 01 MAY 2000	

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

a Designated Office (37 CFR 1.494),  
 an Elected Office (37 CFR 1.495):

U.S. Basic National Fee.

Copy of the international application in:

a non-English language.

English.

Translation of the international application into English.

Oath or Declaration of inventors(s) for DO/EO/US.

Copy of Article 19 amendments.

Translation of Article 19 amendments into English.

The International Preliminary Examination Report in English and its Annexes, if any.

Translation of Annexes to the International Preliminary Examination Report into English.

Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_

Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

Assignment document.

Power of Attorney and/or Change of Address.

Substitute specification filed \_\_\_\_\_.

Verified Statement Claiming Small Entity Status.

Priority Document.

Copy of the International Search Report  and copies of the references cited therein.

Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ 810.00 as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR. 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice **MUST** be returned with this response.***

Enclosed:

PCT/DO/EO/917

Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (December 1997)

Karen Williams  
Telephone: 703-305-3688